

**Environmental Justice Planning Advisory Workgroup
Meeting Minutes
October 5, 2006**

Members Present: Laurie Nelson, Jim Wells, Carolina Simunovic, Marilyn Dolan, Mily Trevino-Sauceda, Tracey Brieger, Veda Federighi, Martha Arguello, Jena Ambacher, Teresa DeAnda, Claudia Soria, Brenda Washington Davis, Karen Heisler, Renee Pinel.

Members Absent: Erin Field, Terry Stark, Carl Winter, Gary Kunkel, Robert Baca, Shankar Prasad

Facilitators: Joseph McIntyre, Sara Tickler, Kara Vernor

Next Meeting: November 15, 2006, 10:00-4:00
Location: Tulare/Madera Room, UC Center
550 E. Shaw Avenue
Fresno, CA

Housekeeping:

- Meeting Minutes are approved for posting as final with one change requested by Laurie Nelson.

Meeting Agenda:

- Welcome and brief introductions
- Decision-making in the Workgroup
 - Consensus: what it means
 - Alternatives to consensus
- New suggested goals for DPR EJ strategy
 - New/integrated handling of cross-media coordination and accountability
 - New proposed goal on reduced exposure
- Small group development of suggested recommendations for strategic goals 1 and 2
- Presentation and discussion of small group suggestions for strategic goal 1: public participation
- Presentation and discussion of small group suggestions for strategic goal 2: integration of environmental justice
- Recap of day and process evaluation to date
- Meeting dates and locations for next meetings
- Closing and Thanks

Meeting Ground Rules:

- Listen
- Respect
- Hold Judgment
- Share Fully
- Courtesy:
 - Silent cells/pagers
 - Be concise
 - Be on time

- Be prepared

I. Consensus: What it means (see attachment)

Joseph McIntyre presented a model of consensus for the group to discuss. These comments were made: power differential among group members impacts consensus

- Often the outcome is the lowest common denominator and no one is happy
- People need to stay open to points of agreement
- We don't want to stop before we get to the bold statements that we want to make as a group

In our recommendations, we will focus on:

- Points in common and prioritize them
- Avoiding formal minority reports
- Recommendations that will work in the real world
- Trying to work through to agreement and use second level recommendations with pros and cons as a last resort
- Recommendations that focus on urban areas as well as rural
- Including the environment in our goals as well as public health

II. Rewrite of Goal 4

The group considered modified language for the fourth goal in the CA EPA strategy to make it applicable to DPR.

Proposed language: "Ensure effective collaboration, coordination, communication and accountability within DPR and with other government agencies in addressing EJ."

Comments:

- How is accountability attached to cross media?
- This means that DPR has the responsibility to communicate with other agencies.
- This is an important piece because agencies don't always know where their responsibility starts and stops.
- Our intent is to recommend that DPR be held accountable to implement these strategies
- We're making recommendations to a department and this goal speaks to the agency level.
- Where issues fall between agencies is where we really have problems.
- Edit it to read, "Ensure that DPR is accountable to collaborate, coordinate and communicate within DPR and other government agencies in addressing EJ."
 - That addresses the accountability dilemma
 - This is clearer and is closer to what I hope we achieve here. It has more intention.
- It could be rewritten as, "Ensure effective collaboration, coordination, communication and accountability within DPR and with other government agencies in addressing EJ."
- We will need to define key terms within the document.
- Edit it to read, "Ensure DPR is accountable for effective collaboration, coordination, communication within DPR and with other government agencies in addressing EJ."

- This makes more sense because our definition of accountable includes being transparent (honest).
- The group agreed to use this definition.

III. Rewrite of Goal 5

The group considered the proposed addition of a fifth goal:

“Prevent and reduce exposure to pesticides in communities of color, low-income populations, or both by preventing use of the most harmful pesticides, reducing the use of the rest, and supporting lower-risk alternatives.”

Definition of most harmful pesticides: Known or probable carcinogens, reproductive or developmental toxicants, neurotoxic cholinesterase inhibitors, known ground water contaminants or pesticides with high acute toxicity.

Comments:

- The evolution of the goal statement is impressive because it clarifies what we’re talking about.
- It offers three strategies as well which will add to the discussion.
- Doesn’t address the concern of risk.
- The risk of not taking action needs to be included.
- The use of pesticides is there because there are not alternatives.
- I would oppose statements that consciously blanket asking for reduction.
- Of all the goals, this is the one that gets us to pollution prevention.
- Reducing use doesn’t always equate with reducing risk.
- Fundamentally, DPR looks at risk assessment.
- There are three areas of disagreements:
 1. How do you protect public health? Do we use less or more pesticides?
 2. How do you reduce risk?
 3. Whether people are using the lowest risk alternative?
- This goal seems to be more specific than the others. It makes a blanket statement about pesticides what needs to be dealt with specifically.
- Risk assessment needs to include what gets used, who gets harmed, and who makes the decision about what gets used.
- The words in the definition create a visceral rather than rational reaction because they are so horrible. None of those get at what we want DPR to do.
- Sometimes use on the front end can prevent a lot of problems on the back end.
- The words were not chosen as a scare tactic or to get a reaction. They are scientifically proven categories. How can you be scientific and specific without listing these?
- Prop 65 may tag many items as carcinogens including tuna, bread, and alcohol. We can’t expect prevention and reduction of those.
- Reducing and preventing pesticides does not show up in any of the other goals. We need to state it explicitly.
- We’re asking for thoughtful decisions not complete prevention. We won’t get to the alternatives if we don’t put this in there.
- Goal 3 includes, “Use these results to improve health in these communities.” I’m okay with reduction but not prevention.
- “Prevention” is the trigger word.
- I look at the word “prevention” and I don’t see an absolute.

- What we are encouraging in this goal is a process where alternatives are considered, prioritized and decisions are thoughtful. How can we get that language in there?
- If this is DPR's mission, why do we have a goal about it? DPR's mission is to prevent exposure not use. You have to include both toxicity and exposure in the definition of risk. The exposure piece is controllable.
- A goal that defines itself by a class of products will not stay current and relevant. We need to look for a way to language it so it can morph as appropriate.
- Risk assessment is very politically vulnerable. There is little trust in it. So we can't separate use from exposure.
- If we don't trust risk assessment we can't know what the probable carcinogens are. That is a fundamental problem.
- We disagree as to how "controllable" the exposure piece is. Drift demonstrates that it isn't to some of us. So then we end up back at preventing.

The facilitator asked the EJ advocates to draft a revised goal 5 from the perspective of industry, the industry advocates to draft a revised goal 5 from the perspective of EJ and regulators to draft a revised goal 5 that would balance the concerns of industry and EJ. The definitions are in the following table:

<i>Industry Formulation</i>	<i>Regulator Formulation</i>	<i>EJ Formulation</i>
Protect public and farm worker health in all communities, including communities of color and low income by reducing exposure to higher risk pesticides, encouraging, supporting and providing incentives for lower risk alternatives. [And protect public health from exposure to pests that can cause disease through reduced risk strategies, IPM, and non-chemical means along with judicious use of pesticide products when necessary. This sentence was pulled out to be considered as a goal 6.]	Preventing harmful exposure to communities of color and/or low-income populations through an integrated approach, including: <ul style="list-style-type: none"> ▪ Encouraging less harmful alternatives, including non-chemical; ▪ Reducing use of the most harmful chemicals; and ▪ Reducing risk through mitigation strategies and reduced-exposure technologies. 	Reduce exposure to pesticides in communities of color and low-income populations by reducing use of pesticides and supporting lower risk alternatives.

The group decided to keep all three of the definitions and will work with them at the next meeting.

Assignment:

All: Look at the Regulator Formulation and ask what is missing, what needs to be added, and defined.

IV. Rewrite of Goal 6

The group considered a proposal for a sixth goal:

“Protect public health from exposure to pests that can cause disease through reduced risk strategies, IPM, and non-chemical means along with judicious use of pesticide products when necessary.”

The following points were made:

- This is a mandate of Health Services and Public Health. It does not come under DPR's mission.
- It is outside the scope of EJ.
- The EJ community does not in any way look to use pesticide products as a solution for pest infestation.

Assignment:

Laurie Nelson will find a partner in the EJ community with whom to have the next round of conversation on this is a potential goal. She will bring the results of that conversation to the next meeting.

V. Objectives for Goal 1

The group was asked to develop specific objectives for DPR that would implement the recommended first goal of the EJ plan.

Goal 1: Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes.

Brainstorm of Objectives

Ensure Meaningful Public Participation

- Create community forums
- Require CACs to have a public outreach component
- Develop innovative ways to do community outreach that facilitates communication.
- Develop methods to work with CACs to be more responsive to incidence reports. DPR to create standards for responding to violations and incorporate them into CAC negotiations and evaluations. Include component to notify the farmer that something happened that wasn't right so they can't use the excuse that they don't know it happened.
- DPR responsible for creating sharing of differing viewpoints.
- Ask DPR to do a capacity analysis.
- Language accessibility
- Technical translation and assistance
- Work in the cultural context of the community
- Hiring practices that increase staff diversity
- EJ incorporated into staff evaluations.
- DPR is accountable for creating unique forums where the community is the driver.

Promote Community Capacity Building and Education

- DPR should work with CACs to create opportunities to build community relationships
- Building professional relationships between DPR, community groups, and the CACs.
- Coordinate and interact with coops extension re: education.
- Education especially misuse of products.
- Developing handbooks for public participation

- Improve the right to know, make data more accessible and usable by communities
- Create an EJ ombudsman
- EJ training for staff, CAC, DPR
- Education and training for communities on how government works
- Publicize and reward EJ success stories.

Effectively Participate in Environmental Decision Making Processes

- Make it easier for people to contact DPR:
 - Expand number of hours they are open
 - Have multiple language capability
- Develop more advisory committees and include communities in existing one
- Forums where DPR is not facilitating
- Incorporate communities' and farming preference in DPR policies
- Create a better relationship between DPR and Board of Supervisors
- Move away from "decide, announce and defend" decision-making by giving adequate notice:
 - Website
 - Various languages
- Acknowledge and respond to the inequities that exist today. Take proactive steps in communities to address the fact that people have different resources. Create equitable processes.

Assignment:

All: Think about and bring suggestions to the next meeting for how we would measure success of Goal 1.

VI. Future Meeting Dates:

November 15, 10-4, Tulare/Madera Room, UC Center, 550 E. Shaw Avenue, Fresno

December 12, site to be determined

January 16 – First floor training rooms, Cal/EPA building

February 13 – First floor training rooms, Cal/EPA building

VII. Assignments:

All: Look at the Regulator Formulation and ask what is missing, what needs to be added, and defined.

Laurie Nelson will find a partner in the EJ community with whom to have the next round of conversation on this is a potential goal. She will bring the results of that conversation to the next meeting.

All: Think about and bring suggestions for measuring success of Goal 1 to the next meeting.

CONSENSUS

Consensus is a decision making process whereby decisions are reached when all members present consent to a proposal or solution. **Consensus** is also a strategy that involves everyone playing a role in the decision making of the group. This process does not assume everyone must be in complete agreement. When differences remain after discussion, individuals can agree to disagree, that is, give their consent by standing aside, and allow the proposal to be accepted by the group. If the allotted time has been spent trying to achieve consensus, and unresolved legitimate concerns remain, the proposal may be considered blocked, or not able to be accepted at this meeting. Therefore, in order for this to be successful it is important to be open to compromise!

Procedure for Reaching Consensus

- 1) Agree on proposal/objectives
- 2) Determine areas where consensus is needed within proposal
- 3) Outline steps to reach consensus by breaking down areas of disagreement
- 4) Brainstorm possible solutions to areas of disagreement
- 5) Discuss pros/cons of the narrowed down list of ideas and solutions
- 6) Adjust, compromise, and fine tune the agreed upon idea/solution so **all** group members are satisfied with the result; i.e. you've achieved consensus.
- 7) If a consensus isn't reached, review and/or repeat steps one through six.
- 8) Once consensus is reached, act.

Related Definitions

Agreement Complete agreement with no unresolved concerns

Compromise Finding the middle ground; give and take

Concern A point of departure or disagreement with a proposal

Conflict The expression of disagreement, which brings into focus diverse viewpoints, and provides the opportunity to explore their strengths and weaknesses

Consent Acceptance of the proposal, not necessarily agreement. Individuals are responsible for expressing their ideas, concerns, and objections. Silence, in response to a call for consensus, signifies consent. Silence is not complete agreement; it is acceptance of the proposal.

Decision The end product of an idea that started as a proposal and evolved to become a plan of action accepted by the whole group